

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

No. _____

UNITED STATES OF AMERICA,)	
)	
Petitioner,)	
)	
v.)	CERTIFICATION OF A
)	SEXUALLY DANGEROUS PERSON
MARVIN VIGIL,)	
Register Number 06157-051,)	
)	
Respondent.)	

The United States of America, by and through the United States Attorney for the Eastern District of North Carolina, hereby submits the attached Certification of a Sexually Dangerous Person pursuant to Title 18 U.S.C. § 4248(a).

For the purposes of this case, the United States requests, that pursuant to 18 U.S.C. § 4248(b), in addition to ordering an independent evaluation, the Court order the government to conduct a psychiatric or psychological evaluation pursuant to the provisions of 18 U.S.C. §§ 4247(b) and (c). In support of this request, the United States submits that Respondent has not been cooperative with the Bureau of Prisons efforts to interview him. Accordingly, in order to provide the Court with as much information as possible, the government requests a court ordered evaluation.

Respectfully submitted, this 22nd day of November, 2006.

George E. B. Holding
United States Attorney

BY: /s/ Michael Bredenberg
Michael Bredenberg
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N.C. Bar # 26068

CERTIFICATE OF SERVICE

This is to certify that I have this 22nd day of November, 2006, served a copy of the foregoing upon the respondent in this action by placing the documents in an envelope marked as stated below, and providing it to FCC Butner staff to deliver the envelope to the Respondent in hand:

Marvin Vigil
Reg. No.: 06157-051
FCI Butner

and on the same day served a copy of the foregoing by placing a copy in the U.S. Mail, addressed as follows:

Federal Public Defender's Office
150 Fayetteville Street Mall
Suite 450
Raleigh, North Carolina 27611

/s/ Michael Bredenberg
Michael Bredenberg
Special Assistant U. S. Attorney
Civil Division

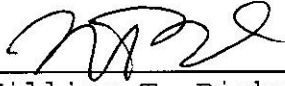
CERTIFICATION OF A SEXUALLY DANGEROUS PERSON

(1) I, William T. Bickart, am Interim Chairperson of the Federal Bureau of Prisons (Bureau) Certification Review Panel, Washington, D.C. Pursuant to 28 C.F.R. § 0.97, the Director of the Bureau has delegated to me the authority to certify persons in Bureau custody as sexually dangerous, as authorized by 18 U.S.C. § 4248(a).

(2) Bureau records reflect the following. Inmate Marvin Vigil, Register Number 06157-051, is in Bureau custody at the Federal Correctional Complex, Butner, North Carolina, in service of a 96 month federal term of imprisonment. Inmate Vigil's projected release date is November 22, 2006, via Good Conduct Time release.

(3) Based on a review of inmate Vigil's Bureau records, I certify he is a sexually dangerous person as defined by 18 U.S.C. § 4247(a)(5), and sexually dangerous to others as defined by 18 U.S.C. § 4247(a)(6).

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.



William T. Bickart
Interim Chairperson
Certification Review Panel
Federal Bureau of Prisons

11/22/06

Date

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

No. _____

UNITED STATES OF AMERICA,)	
)	
Petitioner,)	
)	
v.)	ORDER
)	
MARVIN VIGIL,)	
Register Number 06157-051,)	
)	
Respondent.)	

At the request of the Director of the Bureau of Prisons, the United States has filed a Certification of a Sexually Dangerous Person pursuant to 18 U.S.C. § 4248, in order for this court to hold a hearing to determine whether the Respondent is a sexually dangerous person as defined by 18 U.S.C. § 4247(a)(5).

Respondent, having demonstrated eligibility for appointment of counsel at government expense, the Federal Public Defender IS DIRECTED to provide representation in this action.

The Court further determines that the respondent is unable to pay the fees of any witness, and pursuant to Federal Rule of Criminal Procedure 17(b) the Clerk shall issue a subpoena for any witness necessary to present an adequate defense to the pending charge or charges.

The Court further ORDERS that the United States Marshal shall serve any subpoenas presented to him in this case by the office of the Federal Public Defender, and shall pay the

appropriate fees and expenses to witnesses so subpoenaed.

For the reasons set forth in the Government's Certification Motion, the Court further ORDERS pursuant to Title 18 U.S.C. §§ 4247(b) and 4248(b), that the government appoint a psychiatrist or psychologist to conduct a psychological evaluation of the Respondent.

The Court further ORDERS the appointment of an additional mental health examiner to be selected by the Respondent. Respondent is DIRECTED to file notice with the Court of the name of the additional mental health examiner within five days of the filing of this order.

The Court hereby notifies the parties that this case has been set for Hearing by videoconference at _____ AM/PM on _____ 2007. The hearing shall be held in Courtroom #2, Seventh Floor, of the Terry Sanford Federal Building, 310 New Bern Avenue, Raleigh, North Carolina.

SO ORDERED this ____ day of _____, 2006.

W. EARL BRITT
Senior U.S. District Judge